

Thomas, Felicia

From: DeGering, Tracy
Sent: Thursday, April 11, 2013 3:47 PM
To: (b) (6) Woodruff, Leigh
Subject: RE: April 9 Webinar;

Hi Don,

I'm sorry to hear you had trouble connecting to Tuesday's webinar. We are planning to post a copy of the presentation on our website for those who were unable to attend; please stay tuned for that.

I can certainly appreciate the confusion and frustration with trying to figure out the permit- it's not a quick or easy read. With regards to the Salmon River, as I mentioned in a previous email, the majority of the entire Salmon River drainage has been designated as critical habitat for steelhead, Chinook salmon, is known to be occupied by bull trout, and is proposed to be closed year round under our NPDES General Permit. All designated critical habitat areas for fish listed under the Endangered Species Act are proposed to be closed. If, however, the U.S. Fish & Wildlife Service or National Marine Fisheries Service have concurred with another agency on a determination for suction dredging in a specific area, and a miner includes that determination with the application/Notice of Intent, the EPA can cover the operation under the General Permit. While the Salmon River isn't specifically identified, this "exception" is stated on page 5 of the permit under Section I.D.4.a. I've passed along a note to our staff about the omission of specific waters already; it does not change the open/closure status of the Salmon River, but it does make it difficult for applicants to determine a water's status (with regards to designated critical habitat) when it's not identified in that particular section of the permit.

To dredge, one needs a permit from both IDWR and the EPA; one permit does not substitute for the other. If a water is closed under one permit but not the other, dredging is still not permitted. In the case of the Salmon River, while a section might be open under IDWR's permit, it is generally closed under our permit (unless the process outlined in Section I.D.4.a. is completed, wherein permit coverage could be granted).

Please let me know if you have any additional questions. As you might imagine, we are getting numerous calls and emails throughout the day, so it may take a day or two to respond. Please let me know if you'd like additional information on the process outlined in Section I.D.4.a., as I have information from the National Marine Fisheries Service that I can provide.

Thank you for your questions and patience!

Tracy DeGering | (208) 378-5756

U.S. Environmental Protection Agency
Idaho Operations Office
950 W. Bannock Street, Suite 900
Boise, ID 83702
Fax: (208) 378-5744

From: (b) (6)

Sent: Tuesday, April 09, 2013 1:03 PM

To: Woodruff, Leigh

Cc: DeGering, Tracy

Subject: April 9 Webinar;

Leigh,

I am Don Smith here. I tried to join the webinar this morning at approx. 9:45am. I wasn't able to get the program. It was as if it didn't exist. This is very disappointing to me as now I have no idea what to do. I am gathering from reading the permit that I can file a NOI to operate a small suction dredge on the Main Salmon River where it is open according to IDWR. Is this correct? If so, I shouldn't need to do any consultation with NMFB, because I have already done so in the year of 2000 and they had absolutely no problem with my dredging in the exact same area as I intend to work this year.

Don